

BACKGROUND:

The applicant, Debra Woodward, applied for and received approval for a Special Use Permit (SUP) for educational animals. S.B. County Development Code Section 84.0560 sets forth the density requirements for accessory animal raising for a primary single family dwelling. While the Development Code has no definition of "educational animals," Ms. Woodward has provided registration information indicating that her son is a member of a local 4-H organization and the extra animals on the property are to be used as 4-H projects for educational purposes (i.e. breeding, showing raising and selling). Since the parcel in question has a gross 2.5 acres or 108,900 square feet, subsection (h) of the code would allow, without additional permits, 10 large animals, 2 medium animals and up to 50 fowl. Subsection (e) of that same code section allows for a greater density of animals, with a SUP, if the animals are for an educational purpose. Subsection (e) does not, however set a new limit for the amount of animals. After visiting the site, examining the number and size of the corral areas and consulting San Bernardino County Code, Title 3, Animal Regulations a new maximum density was established. The applicant would be allowed to have up to eight additional large animals and up to three additional medium animals. This would bring the total large animal maximum to 18, medium animals to a maximum of 5 and the number of fowl would not change at 50. Ms. Woodward currently has the maximum animals in each category the SUP allows for on her property, except for fowl in which she is under at about 30.

On July 22, 2002, the applicant submitted a completed SUP application. On July 26, 2002, project notices were mailed to all contiguous property owners. By August 9, 2002, staff had received nine letters against the proposed use and one letter in favor of the proposed use. The responses cite opposition based on issues such as flies, improper care, health issues, manure management, lower property values and that Ms. Woodward is a renter. San Bernardino County Animal Control and Preventative Veterinary Services has investigated animal health issues and found no violations. In addition, Vector Control has investigated fly and manure issues and found no violations. The fact that Ms. Woodward is not a property owner does not prohibit her from using the property as allowed by the County Codes and Section 84.0560 (e) allows for a permit to be issued for educational animals. Ms. Woodward also provided the necessary documentation, 4-H enrollment and project statement, to demonstrate the legitimacy of her use of the animals for educational projects.

ANALYSIS:

On August 12, 2002, Code Enforcement Division Chief Paul Tavares, Code Enforcement Supervisor Randy Rogers and Land Use Technician Maxine Foster inspected the site. Flies did not seem to be a problem, there was no noticeable smell and the animal pens were clean.

On September 10, 2002, Senior Associate Planner Nancy Sansonetti, Code Enforcement Supervisor Randy Rogers and a representative from the First Supervisorial District conducted an additional field inspection. The property appeared to be in the same basic condition as the first inspection. In addition, the applicant had secured a blue tarp around one of the pipe corrals to screen the animals from an adjacent property owner's view.

On September 16, 2002, staff approved the SUP application based on the criteria set forth in the Development Code and the results of the inspections. A letter of approval along with the Conditions of Approval was mailed to the applicant and all property owners that had requested notification of staff's decision.

On September 27, 2002, eight appeal applications had been received. It was explained that only one application was required to initiate the appeal and that every person wishing to speak on the subject would be allowed to speak for a limited time. One appellant chose to withdraw his application. The following people have filed an appeal: Mike Reid, Sandie Denton, Alex Decuir, Frederick Kent, Dennis/Susan Carlson, William/Anita Forest and John/Lauren Ziler.

On February 5, 2003, an unannounced inspection of the Woodward property was conducted. The property was, again found to be clean with no noticeable smells. It was noted that some of the horses had been moved from the southern end of the property to the northern end of the property and additional tarps had been put around a horse stall to screen the view from the southern most neighbors. The property is in compliance with all conditions set forth in the SUP's conditions of approval.

RECOMMENDATION:

DENY the appeal and UPHOLD staff's approval of the Special Use Permit for Educational Animals.

Attachments: Assessor's Page, photos of the site, Chronology of Events, Appeal applications, SUP application and permit, 4H-enrollment form, letters of concern, response to concerns.